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IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL SAVAGE,
Plaintiff,

v.

COUNCIL ON AMERICAN-ISLAMIC
RELATIONS, INC., COUNCIL ON
AMERICAN ISLAMIC RELATIONS
ACTION NETWORK, INC., COUNCIL
ON AMERICAN ISLAMIC
RELATIONS OF SANTA CLARA, INC.,
and DOES 3-100,
Defendants.

Case No. CV07-06076 SI

**OPPOSITION TO PLAINTIFF'S
REQUEST FOR
ADMINISTRATIVE RELIEF;
DECLARATION OF THOMAS R.
BURKE IN SUPPORT OF
OPPOSITION**

Assigned to the Honorable Susan
Illston

**OPPOSITION TO PLAINTIFF'S REQUEST FOR ADMINISTRATIVE
RELIEF**

Defendant Council on American-Islamic Relations, Inc. ("CAIR") objects to Plaintiff Michael Savage's Request for Administrative Relief asking the Court to take notice of a recent case decided by the Seventh Circuit, *Hussain v. Mukasey*, Nos. 07-3688 and 07-382, 2008 U.S. App. LEXIS 4798 (7th Cir. March 6, 2008). *Hussain* is an irrelevant, out-of-circuit decision that says nothing about the proper application of the Copyright Act or the civil RICO statutes, the only causes of action pled by the Plaintiff. Similarly, it says nothing about the Council on American-Islamic Relations, Inc. ("CAIR") or the other Defendants in this case.

Hussain involved a challenge to an immigration removal order by an immigrant from Pakistan who had been adjudged removable by reason of having engaged in terrorist activity for the group Mohajir Qaumi Movement-Haqiqi (MQM-H). In affirming the decision of the immigration law judge and the Board of Immigration Appeals, the Seventh Circuit construed certain federal statutes – 8 U.S.C. § 1158(b)(2)(A)(v) and 8 U.S.C. § 1182(a)(3)(B) – that are not in issue here. *Id.* at *3-*7.

Given these factors, the court should not feel compelled to take notice of this case.

DECLARATION OF THOMAS R. BURKE

I, Thomas R. Burke, declare as follows:

I am an attorney and a partner with Davis Wright Tremaine LLP, counsel for Defendants Council on American-Islamic Relations, Inc., Council on American-Islamic Relations Action Network, Inc., and Council on American-Islamic Relations of Santa Clara, Inc. In this capacity, I have personal knowledge of the matters stated in this declaration and could competently testify to them if called as a witness.

2. This Declaration is provided to comply with Local Rules 7-5 and 7-11 to accompany Defendants' brief response to the unsolicited submission (the Request for Administrative Relief) on March 10, 2008, by Plaintiff Michael Savage regarding filing a case from the Seventh Circuit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed in San Francisco, CA, on March 11, 2008.

/s/ Thomas R. Burke

Thomas R. Burke